

## PROCEDURE FOR MISDEMEANORS AND OTHER PETTY OFFENSES

58.01: *Forfeiture of Collateral.* Pursuant to Rule 58 of the Fed.R.Crim.P., payment of a fixed sum may be accepted in minor traffic, weapons, driving under the influence, trespassing, wildlife, boating, larceny, check fraud, assault, and other similar misdemeanor cases. The amount of collateral to be forfeited may be increased if the defendant fails to timely respond.

58.02: *Assignment of Duties to Magistrate Judges.*

(A) *Criminal Cases.*

- (1) *Misdemeanor Cases.* All misdemeanor cases shall be assigned by the Clerk of Court to the full-time or part-time Magistrate Judge designated for the division in which the case is brought.
- (2) *Felony Cases.* All felony cases shall be assigned by the Clerk of Court to the full-time or part-time Magistrate Judge designated for the division in which the case is brought for the conduct of an arraignment and for such pretrial proceedings as are directed by the District Judge.

(B) *Civil Cases.*

- (1) *Consensual References.* Where the parties consent to trial and disposition of a case by a full-time Magistrate Judge pursuant to 28 U.S.C. §636(c), such case shall, upon the order of the District Judge to whom it was assigned, be reassigned to the full-time Magistrate Judge designated for the division in which the case is brought.
- (2) *Automatic References.* The Clerk of Court shall assign the following matters to a full-time Magistrate Judge upon filing:
  - (a) All motions for remand, dismissal or judgment on the pleadings in actions filed under 42 U.S.C. §405(g) for review of administrative determination regarding entitlement to benefits under the Social Security Act and related statutes;
  - (b) All motions for leave to proceed in forma pauperis;
  - (c) All pretrial proceedings in applications for post-conviction review under the provisions of 28 U.S.C. §2241 *et seq.*, 28 U.S.C. §2254 *et seq.*, and mandamus relief as well as for relief sought by persons challenging any form of custody under other federal

jurisdictional statutes; This Local Rule does *not* apply to actions arising under 28 U.S.C. §2255.

- (d) All pretrial proceedings in prisoner petitions for relief under 42 U.S.C. §1983;
- (e) All pretrial proceedings involving litigation by individuals proceeding *pro se*;
- (f) All pretrial proceedings in prisoner petitions which do not challenge prison conditions, conditions of confinement, or any other form of custody.
- (g) All pretrial proceedings involving litigation arising out of employment discrimination cases invoking federal statutes which proscribe unfair discrimination in employment, including but not limited to 42 U.S.C. §1981-1986; 42 U.S.C. §2000e-2; 42 U.S.C. §2000e-16(a); 29 U.S.C. §206(d); 29 U.S.C. §621-634; or 29 U.S.C. §794.

(C) *Method of Case Assignment*

- (1) *Civil Cases.* For the convenience of administration, unless otherwise specified herein or by specific order of the Chief Judge of the district, references of civil cases shall be assigned by division as follows:
  - (a) Two full-time Magistrate Judges in Columbia shall be assigned cases filed in the Columbia, Orangeburg, Aiken and Rock Hill Divisions on a rotational basis;
  - (b) The full-time Magistrate Judge in Charleston shall be assigned cases filed in the Charleston and Beaufort Divisions;
  - (c) The full-time Magistrate Judge in Greenville shall be assigned cases filed in the Greenville, Spartanburg, Anderson, and Greenwood Divisions.
  - (d) The full-time Magistrate Judge in Florence shall be assigned cases filed in the Florence Division.
  - (e) All cases challenging conditions of confinement filed by a federal prisoner incarcerated in this judicial district shall be assigned to all full-time Magistrate Judges and the part-time Magistrate Judge in Aiken on a rotational basis.

- (2) *Criminal Cases.* For the convenience of administration, unless otherwise specified by order of the Chief Judge of the district, criminal cases shall be assigned by division as follows:
- (a) Two full-time Magistrate Judges in Columbia shall be assigned, on a rotational basis criminal cases filed in the Columbia and Rock Hill Divisions not arising at Fort Jackson or Shaw Air Force Base;
  - (b) The full-time Magistrate Judge in Charleston shall be assigned cases filed in the Charleston, Orangeburg and Beaufort Divisions;
  - (c) The full-time Magistrate Judge in Greenville shall be assigned cases filed in the Greenville, Spartanburg, Anderson, and Greenwood Divisions;
  - (d) The full-time Magistrate Judge in Florence shall be assigned cases filed in the Florence Division;
  - (e) The part-time Magistrate Judge in Aiken shall be assigned criminal cases filed in the Aiken Division;
  - (f) The part-time Magistrate Judge in Aiken shall be assigned cases originating at Fort Jackson and Shaw Air Force Base.
- (3) *Social Security Cases.* Social Security cases shall be assigned to the full-time Magistrate Judges on a rotational basis without regard to division of filing.
- (4) *Post-conviction Review and Prisoner Cases.* Petitions for habeas corpus relief, mandamus relief and civil rights cases described in Local Civil Rule 73.02(B)(2)(c) and (d) shall be assigned to full-time Magistrate Judges on a rotational basis without regard to division of filing.
- (5) *Other Prisoner Cases.* Complaints filed by prisoners not challenging conditions of confinement shall be assigned on a divisional basis to a full-time Magistrate Judge.
- (6) *Employment Discrimination Cases.* Employment discrimination cases shall be assigned in the Division where they are filed. Cases filed in the Columbia, Rock Hill, Orangeburg, and Aiken Divisions will be divided on a rotational basis between the two full-time Columbia Magistrate Judges.

- (7) *Pro Se Litigants with Prior Cases.* New cases filed by *pro se* litigants with prior cases shall, if possible, be assigned to the previous Magistrate Judge and District Judge to whom the prior case was assigned unless the prior case was consolidated due to common issues of law or fact.
  - (8) Nothing in this subsection shall limit the district-wide jurisdiction of a Magistrate Judge, prohibit a District Judge from assigning a specific matter to a specific Magistrate Judge, or prohibit the reassignment of a specific matter between Magistrate Judges on the concurrence of the Magistrate Judges and District Judge involved.
- (D) *General.* Nothing in these rules shall preclude the Court or a District Judge from reserving any proceeding for conduct by a District Judge, rather than a Magistrate Judge. The Court, moreover, may by order modify the method of assigning proceedings to a Magistrate Judge as changing conditions may warrant.